



09-0105

ED560240727US

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number	10/020,464
Filing Date	11-30-2001
First Named Inventor	Tacon et al.
Art Unit	1651
Examiner Name	Naff, David M.

Attorney Docket Number

12905

1651

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> IDS Letter, Return Receipt Post Card
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

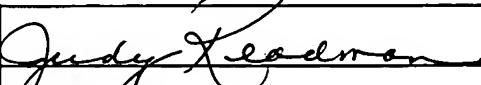
### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Battelle Memorial Institute		
Signature			
Printed name	William B. Richards		
Date	08-31-2005	Reg. No.	44,301

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature



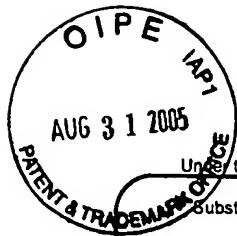
Typed or printed name

Judy Readman

Date 08-31-2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



express mail ED 560240727 US

PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
1100 L Street, NW, Washington, DC 20591-0001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

**(Use as many sheets as necessary)**

Sheet 1 of 1

Complete if Known	
Application Number	10/020,464
Filing Date	11-30-2001
First Named Inventor	Tacon et al.
Art Unit	1651
Examiner Name	Naff David M.
Attorney Docket Number	12905

## U. S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>7</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



express mail ED 560240727 US

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<i>Group:</i>	1651	)	<u>Certificate Under 37 CFR § 1.10</u>
<i>Attorney</i>		)	I hereby certify that this correspondence is being
<i>Docket:</i>	12905	)	deposited with the United States Postal Service in an
<i>Applicant:</i>	Tacon et.al.	)	envelope addressed to Commissioner for Patents, P. O.
<i>Title:</i>	Shaped Microparticles for	)	Box 1450, Alexandria, VA 22313-1450 as "Express Mail
	Pulmonary Drug Delivery	)	Post Office to Addressee".
<i>Serial No.:</i>	10/020,464	)	
<i>Filed:</i>	11-30-2001	)	on <u>August 31, 2005</u>
<i>Examiner:</i>	Naff, David M.	)	

  
Judy Readman

ED 560240727 US  
Express Mail Number

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are patents, publications, or other information, which may be material, as defined in 37 CFR § 1.56(b), to the examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 CFR § 1.56(a). Also submitted herewith is Form PTO/SB/08A on which is listed all cited items of information.

The following references are enclosed:

US Patent Documents

A1	5,651,900	Keller et al.	07-29-1997
A2	5,770,076	Chu et al.	06-23-1998
A3	5,798,042	Chu et al.	08-25-1998
A4	5,893,974	Keller et al.	04-13-1999
A5	5,985,164	Chu et al.	11-16-1999

The Examiner is respectfully requested to initial the space adjacent to each document entry on Form PTO/SB/08A and to return a copy of the initialed form to the undersigned to confirm that the documents have been considered and have been officially made of record.

While the information referred to in this Information Disclosure Statement may be material pursuant to 37 CFR §1.56(b), the filing of this Information Disclosure Statement is not intended, pursuant to 37 CFR §1.97(h), to constitute an admission that any patent, publication, or other information referred to is, or is considered to be, material to the patentability of this invention. Further, pursuant to 37 CFR §1.97(g), the filing of this Information Disclosure Statement should not be construed as a representation that a search has been made. Finally, the filing of this Information Disclosure Statement shall not be construed as a representation that no other material information exists and shall not be construed as an admission against interest in any manner.

Pursuant to 37 CFR § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a First Office Action on the merits. Applicants believe no fees are due and payable in connection with this submission. In the event fees are due, please charge

Applicant's undersigned counsel's Deposit Account 021266. A duplicate copy of this authorization is enclosed.

If the Examiner has any questions or wishes to discuss this Application, the Examiner is invited to telephone the undersigned representative at the number set forth below.

Respectfully submitted,



William B. Richards, Esq.  
Attorney for Applicants  
Reg. No. 44,301

Battelle Memorial Institute  
505 King Avenue  
Columbus, OH 43201  
Phone: 614/424-5612  
Fax: 614/424-3864  
E-mail: [richardsw@battelle.org](mailto:richardsw@battelle.org)  
Customer Number: 24116